

3. Defendant, United States of America, is named as a defendant pursuant to 28 U.S.C. § 2674, for actions attributable to it by its agency, the U.S. Department of Interior/Bureau of Indian Affairs.

4. Pursuant to the Federal Tort Claims Act, 28 U.S.C. § 2671, et. seq. and 43 C.F.R § 22.3(b), notice of claim was provided to the Department of Interior Field Office on October 2, 2014.

5. More than six (6) months has passed since the provision of the notice of claim without response to said claim and therefore said claim is deemed denied by United States.

6. This case is brought pursuant to the Federal Tort Claims Act, 28 U.S.C. § 2671, et. seq., and Common Law of the State of Oklahoma.

7. At all times pertinent hereto, Laughter Phil Smith was an employee of the United States of America/U.S. Department of Interior/Bureau of Indian Affairs and all of his actions alleged herein were performed within the scope of his employment with the United States of America/U.S. Department of Interior/Bureau of Indian Affairs.

8. On March 1, 2014, Laughter Phil Smith was driving a school bus owned by the United States of America/U.S. Department of Interior/Bureau of Indian Affairs, on U.S. I-44 near Amber, Oklahoma. The vehicle operated by Laughter Phil Smith struck a disabled vehicle that the decedent Rodney James Carroll was rendering aid to, causing the disabled vehicle to strike Rodney James Carroll causing his death.

9. As a direct result of the negligence of the Defendant, United States of America/U.S. Department of Interior/Bureau of Indian Affairs, the Estate of Rodney Carroll sustained injuries and damages including but not limited to, (1) loss of financial support of contributions of money to the wife of Rodney Carroll, (2) the grief of the surviving wife, Diana Carroll; (3) the loss of the society, services, companionship, and marriage relationship of the wife; (4) the grief of the children of Rodney Carroll; (5) the loss of companionship of Rodney Carroll by his children, Jason Carroll and Holly Andersen; (6) the pain and suffering of Rodney James Carroll; (7) the medical and burial expenses of Rodney Carroll; and (8) the loss of income to the Estate of Rodney Carroll.

10. Laughter Phil Smith was negligent in the operation of the school bus he was operating and caused the collision which led to Rodney Carroll's death.

11. Defendant United States of America/U.S. Department of Interior/Bureau of Indian Affairs are liable for the acts of Laughter Phil Smith, pursuant to the doctrine of respondeat superior.

12. As a direct result of the negligence of the Defendant United States of America/U.S. Department of Interior/Bureau of Indian Affairs, Plaintiff Diana Carroll has suffered the loss of her husband, Rodney Carroll.

Damages

13. The negligent conduct of the Defendant has cause the Plaintiffs loss and damages in an amount in excess of \$75,000.00.

WHEREFORE, Plaintiff Diana Carroll, as Special Administrator of the Estate of Rodney James Carroll, requests she recover a money judgment for their damages in an amount to be proven at trial, but in excess of \$75,000.00, as against the United States of America/U.S. Department of Interior/Bureau of Indian Affairs, together with such interest and costs as may be provided by law, and/or such other relief as the Court deems appropriate.

TRIAL DEMAND

Plaintiffs demand a trial pursuant to the Seventh Amendment to the Constitution of the United States, as to all claims for damages.

s/ David Butler

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